

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: AMERANTH
CASES,

CASE NOS.

11cv1810 DMS (WVG)	12cv1643 DMS (WVG)
12cv0729 DMS (WVG)	12cv1644 DMS (WVG)
12cv0731 DMS (WVG)	12cv1646 DMS (WVG)
12cv0732 DMS (WVG)	12cv1648 DMS (WVG)
12cv0733 DMS (WVG)	12cv1649 DMS (WVG)
12cv0737 DMS (WVG)	12cv1650 DMS (WVG)
12cv0739 DMS (WVG)	12cv1651 DMS (WVG)
12cv0742 DMS (WVG)	17cv1093 DMS (WVG)
12cv0858 DMS (WVG)	12cv1653 DMS (WVG)
12cv1627 DMS (WVG)	12cv1654 DMS (WVG)
12cv1629 DMS (WVG)	12cv1655 DMS (WVG)
12cv1630 DMS (WVG)	12cv1656 DMS (WVG)
12cv1631 DMS (WVG)	13cv0350 DMS (WVG)
12cv1633 DMS (WVG)	13cv0352 DMS (WVG)
12cv1634 DMS (WVG)	13cv0353 DMS (WVG)
12cv1636 DMS (WVG)	13cv1072 DMS (WVG)
12cv1640 DMS (WVG)	14cv1303 DMS (WVG)
12cv1642 DMS (WVG)	12cv2350 DMS (WVG)

**CASE MANAGEMENT CONFERENCE ORDER
REGULATING DISCOVERY AND OTHER
PRETRIAL PROCEEDINGS (PIZZA
COMPANIES AND SYSTEM PROVIDERS)**

On December 11, 2017, the Court held a case management conference with counsel for the parties in these consolidated cases. After consulting with counsel and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1 1. As to the Pizza Companies and System Providers, the following schedule shall
2 apply:

3 a. All discovery, fact and expert, shall be completed on or before **May 14,**
4 **2018.** "Completed" means that all discovery under Rules 30-36 of the Federal Rules
5 of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a
6 sufficient period of time in advance of the cut-off date, so that it may be completed by
7 the cut-off date, taking into account the times for service, notice, and response as set
8 forth in the Federal Rules of Civil Procedure, and any motions and the resolution of any
9 discovery disputes. All disputes concerning discovery shall be brought to the attention
10 of the Magistrate Judge no later than thirty (30) days following the date upon which the
11 event giving rise to the discovery dispute occurred. Counsel shall meet and confer
12 pursuant to the requirements of Fed. R. Civ. P. 26 and Local Rule 26.1(a).

13 b. On or before **February 12, 2018**, all parties shall exchange with all other
14 parties a list of all expert witnesses expected to be called at trial. The list shall include
15 the name, address, and telephone number of the expert and a brief statement identifying
16 the subject areas as to which the expert is expected to testify. The list shall also include
17 the normal rates the expert charges for deposition and trial testimony. On or before
18 **February 26, 2018**, any party may supplement its designation in response to any other
19 party's designation so long as that party has not previously retained an expert to testify
20 on that subject.

21 c. Each expert witness designated by a party shall prepare a written report to
22 be provided to all other parties **no later than March 26, 2018, 2018**, containing the
23 information required by Fed. R. Civ. P. 26(a)(2)(A) and (B). **Except as provided in**
24 **paragraph 17 below, any party that fails to make these disclosures shall not, absent**
25 **substantial justification, be permitted to use evidence or testimony not disclosed**
26 **at any hearing or at the time of trial. In addition, the Court may impose sanctions**
27 **as permitted by Fed. R. Civ. P. 37.**

28 ///

1 d. Any party, through any expert designated, shall in accordance with Fed.
2 R. Civ. P. 26(a)(2)(D) and Fed. R. Civ. P. 26(e)(2), supplement any of its expert reports
3 regarding evidence intended solely to contradict or rebut evidence on the same subject
4 matter identified in an expert report submitted by another party. Any such supplemental
5 reports are due on or before **April 9, 2018**.

6 e. All other dispositive motions, including those addressing Daubert issues,
7 shall be FILED on or before **June 1, 2018**. Please be advised that counsel for the
8 moving party must obtain a motion hearing date from the law clerk of the judge who
9 will hear the motion. Failure of counsel to timely request a motion date may result in
10 the motion not being heard. Motions *in limine* are to be filed as directed below.

11 Briefs or memoranda in support of or in opposition to any pending motion shall
12 not exceed twenty-five (25) pages in length without permission of the judge or
13 magistrate judge who will hear the motion. No reply memorandum shall exceed ten
14 (10) pages without leave of the judge or magistrate judge who will hear the motion. The
15 Court encourages Defendants in this group to file consolidated motions, if possible.

16 f. In each individual case:

17 i. Counsel shall serve on each other and file with the Clerk of the
18 Court their Memoranda of Contentions of Fact and Law in compliance with Local Rule
19 16.1(f)(2) (and 16.1(f)(3), where applicable) on or before **July 6, 2018**.

20 ii. Counsel shall confer and take the action required by Local Rule
21 16.1(f)(4) on or before **July 13, 2018**. At this meeting, counsel shall discuss and
22 attempt to enter into stipulations and agreements resulting in simplification of the triable
23 issues. Counsel shall exchange copies and/or display all exhibits other than those to be
24 used for impeachment, lists of witnesses and their addresses including experts who will
25 be called to testify, and written contentions of applicable facts and law. The exhibits
26 shall be prepared in accordance with Local Rule 16.1(f)(2)(c).

27 ///

28

1 Counsel shall cooperate in the preparation of the proposed final pretrial conference
2 order.

3 iii. The proposed final pretrial conference order, including written
4 objections, if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial disclosures, shall be
5 served on opposing counsel and lodged directly with chambers on or before **July 27,**
6 **2018**, and shall be in the form prescribed in and in compliance with Local Rule
7 16.1(f)(6). **In addition, the parties shall include in the proposed pretrial order a**
8 **statement to be read to the jury, not in excess of one page, of the nature of the case**
9 **and the claims and defenses.** Any objections to pretrial disclosures shall comply with
10 the requirements of Fed. R. Civ. P. 26(a)(3). Please be advised that the failure to file
11 written objections to a party's pretrial disclosures may result in the waiver of such
12 objections, with the exception of those made pursuant to Rules 402 (relevance) and 403
13 (prejudice, confusion or waste of time) of the Federal Rules of Evidence.

14 iv. The parties shall file and serve their motions *in limine* on or before
15 **August 10, 2018**. Each side shall be limited to five (5) motions, and each motion shall
16 be no more than five (5) pages. The parties are admonished, however, to meet and
17 confer to try and resolve their disputes before filing motions *in limine*. Oppositions to
18 motions *in limine* shall be filed on or before **August 17, 2018**. A hearing on the parties'
19 motions *in limine* shall be held on **August 24, 2018**, at 1:30 p.m.


20 v. The final pretrial conference is scheduled on the calendar of the
21 Honorable Dana M. Sabraw on **August 3, 2018**, at **10:30 a.m.** The first trial for this
22 group is scheduled to commence on **September 4, 2018**, at **9:00 a.m.** Defendants Pizza
23 Hut and its supplier QuikOrder will proceed to trial first. The remaining Defendants
24 in this group will proceed to trial on **October 1, 2018**, at **9:00 a.m.** Counsel shall meet
25 and confer as to the order in which the remaining Defendants shall proceed to trial, and
26 should be prepared to provide the Court with that order at the pretrial conference.
27 However, all remaining Defendants should be prepared to proceed to trial on October
28 1, 2018, as each will be placed on a trailing status. Thus, if a Defendant with trial

1 priority settles, the next scheduled Defendant will be called. The remaining trials will
2 proceed until all are completed.

3 7. The dates and times set forth herein will not be modified except for good cause
4 shown.

5 **IT IS SO ORDERED.**

6 DATED: December 14, 2017

7 

8 HON. DANA M. SABRAW
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28